

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Health Services v.
Barbara Frazier, RN, License No. R34288
20 Prospect Street - #61
Manchester, CT 06040
CASE PETITION NO. 900724-10-043

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Health Services (hereinafter the "Department") with a Statement of Charges dated January 25, 1991. (State's Exhibit 1) The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Barbara Frazier, RN, (hereinafter the Respondent).

The Board issued a Notice of Hearing dated February 8, 1991. The hearing, scheduled for March 20, 1991 was rescheduled and heard on April 16, 1991 and May 22, 1991 in Room 112, National Guard Armory, Maxim Road, Hartford, Connecticut.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record and their specialized professional knowledge in evaluating the evidence.

FACTS

Based on the testimony given and the exhibits offered into evidence, the Board made the following findings of fact:

1. Barbara Frazier, hereinafter referred to as the Respondent, is and was at all times referenced in the Statement of Charges the holder of Registered Nurse License Number R34288. (State's Exhibit 2)
2. Pursuant to the General Statutes of Connecticut, Section 4-182(c), the Respondent was provided full opportunity prior to the institution of agency action to show compliance with all the terms for the retention of her license. (Hearing Transcript April 16, 1991, p. 3)
3. The Respondent was aware of the time and location of the hearing. State's Exhibit 1 indicates that notice of the location and time of this hearing were delivered by certified mail to the Respondent and the Respondent's attorney.
4. The Respondent was present on both hearing dates and was represented by counsel. The Respondent filed an answer to the Statement of Charges. (State's Exhibit 2)
5. The Respondent, on May 22, 1989, was admitted to Middlesex Memorial Hospital, Middletown, Connecticut for treatment of manic decompensation. The Respondent was diagnosed during this hospitalization as having a bipolar disorder and mixed character disorder with suggestion of some elements of borderline personality disorder. (State's Exhibit 6).

6. The Respondent, on February 22, 1990, was admitted to the Institute of Living, Hartford, Connecticut for a psychotic decompensation. The Respondent during this hospitalization was diagnosed as having a schizoaffective disorder. (State's Exhibit 6)
7. The Respondent was employed as a registered nurse at Lorraine Manor, Hartford, Connecticut on July 15, 1990. (State's Exhibit 2, 3)
8. The Respondent, while working as a registered nurse at Lorraine Manor, Hartford, Connecticut on July 15, 1990, provided nursing care to patient Rena Kupersmith. (State's Exhibit 3, 5)
9. The Respondent, on July 15, 1990 at approximately 8:00 p.m., failed to properly administer medication to patient Rena Kupersmith in that, while it was ordered that the patient receive 4 units of Humlin NPH U100 insulin (State's Exhibit 5), the Respondent administered 100 units of Humlin NPH U100 insulin. (State's Exhibit 2, 3, 4, 5, 8) (Hearing Transcript April 16, 1991, p. 20)
10. The Respondent, on July 15, 1990, was taking the medication Haldol and Lithium for treatment of a mental illness. (Hearing Transcript April 16, 1991, p. 18)
11. The Respondent notified the Department of Health Services, on or about August 1990, that she felt that her concentration was currently impaired. (Department's Exhibit 4)

12. Ginger E. Blume, Ph.D., Middletown, Connecticut informed the Department of Health Services in an August 1, 1990 letter that the Respondent was under her psychological care and being treated with medication by a staff psychiatrist. Dr. Blume also stated that the Respondent was not considered competent to practice nursing until her symptoms remit. (State's Exhibit 4)
13. The Respondent's mental illness requires ongoing psychiatric care that includes monitoring compliance with medications and monitoring therapeutic medication levels. (Hearing Transcript April 16, 1991, pp. 26-27, 34-48) (Hearing Transcript May 22, 1991, pp. 13-15)

DISCUSSION AND CONCLUSIONS

The FIRST COUNT of the Statement of Charges alleges the Respondent, since at least May of 1989, while licensed as a registered nurse in the State of Connecticut, "has suffered from mental illness or emotional disorder that impaired her ability to practice nursing with reasonable skill and safety."

The Respondent admits that she has suffered from mental illness or emotional disorder but denies that any such illness or emotional disorder has impaired her ability to practice nursing with reasonable skill and safety. (Department's Exhibit 2)

The General Statutes of Connecticut, Section 20-99(b), prohibits conduct which fails to conform to the accepted standards of the nursing profession, including "... (4) emotional disorder and mental illness...."

Based on the Respondent's admission and the Findings of Fact of Numbers 11 and 12 the Board concludes the Respondent suffers from a mental illness or emotional disorder and that such mental illness or emotional disorder impaired her ability to practice nursing and therefore violated the General Statutes of Connecticut Section 20-99(b)(4) specified in the First Count.

Based on the evidence presented, specifically the credible testimony of Steven Benet, M.D., (Hearing Transcript April 16, 1991, pp. 33-48), Alfred Herzog, M.D. (Hearing Transcript May 22, 1991, pp. 5-39) and Diane Hunt-Mason, R.N. (Hearing Transcript April 16, 1991, pp. 49-72 and (Hearing Transcript May 22, 1991, pp. 40-43), the Board finds the Respondent continues to suffer from a mental illness which requires ongoing treatment (Findings of Fact Number 13). The Board concludes that should the Respondent not continue with treatment, inclusive of close monitoring of therapeutic medications, her mental illness would render her unable to practice nursing with reasonable skill and safety.

The SECOND COUNT of the Statement of Charges alleges the Respondent, while employed as a registered nurse at Lorraine Manor, Hartford, Connecticut on or about July 15, 1990 "administered 100 units of NPH Insulin to a patient instead of the 4 units NPH Insulin which had been ordered by the physician for that patient.

The Respondent admits this charge. (Department's Exhibit 2)

The General Statutes of Connecticut, Section 20-99(b), prohibits conduct which fails to conform to the accepted standards of the nursing profession including "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions...."

Based on the Respondent's admission and the Findings of Fact of Numbers 7, 8 and 9, the Board concludes that the Respondent violated the General Statutes of Connecticut, Section 20-99(b)(2) by the conduct specified in the Second Count.

ORDER

Pursuant to its authority under the General Statutes of Connecticut, Sections 19a-17 and 20-99, the Board hereby orders:

1. That the license of the Respondent be placed on probation for a minimum of three (3) years, as follows:
 - A. as to the First Count, minimum three (3) years probation;
 - B. as to the Second Count, minimum three (3) years probation;
 - C. the minimum three (3) year probation period referenced in A and B above, are to run concurrently for an effective minimum probationary period of three (3) years.
2. The probationary period may be extended by the Board in its sole discretion at anytime within the three year period without prior notice and without any opportunity to be heard by the Respondent.

3. If any of the following conditions of probation are not met, the Respondent's license may be immediately revoked.
- A. She shall provide a copy of this Memorandum of Decision to any and all employers. The Board shall be notified in writing by her employer(s), within thirty (30) days of the effective date of this decision, as to receipt of a copy of this Memorandum of Decision.
 - B. She shall only accept employment from an employer who agrees to immediately notify the Board and the Department should the Respondent, in the opinion of the employer, become unable to practice nursing with reasonable skill and safety.
 - C. Should the Respondent change employment at any time during the probationary period, she shall immediately provide a copy of this Memorandum of Decision to her employer and said employer shall notify the Board in writing, within thirty (30) days, as to receipt of a copy of this Memorandum of Decision, as well as a statement by the employer that it will abide by the terms of this Memorandum of Decision.
 - D. She shall not accept employment as a nurse for a personnel provider service, Visiting Nurse Association or home health care agency for the period of her probation.

- E. She shall be responsible for the provision of bi-monthly employer reports from her nursing supervisor (e.g. Director of Nursing) for the entire period of probation. Bi-monthly employer reports are due by the first business day of January, March, May, July, September and November. Bi-monthly reports shall commence with the report due January 1, 1992.
- F. Said reports cited in E above, shall include documentation of her ability to safely and competently practice nursing. Said reports shall be issued to the Board at the address listed in paragraph M below.
- G. At her own expense she shall, throughout the period of probation, engage in treatment with a licensed psychiatrist who agrees to immediately notify the Board and the Department should the Respondent, in the opinion of the psychiatrist, become unable to practice nursing with reasonable skill and safety.
- H. She shall provide a copy of this Memorandum of Decision to her psychiatrist. The Board will be notified in writing by her psychiatrist, within thirty (30) days of the effective date of this decision, as to receipt of a copy of this Memorandum of Decision, as well as the psychiatrist's statement that he/she will abide by the terms of this Memorandum of Decision. Should the Respondent change psychiatrists at any time during the probationary period, she shall immediately, notify the Board in writing and

provide a copy of this Memorandum of Decision to her psychiatrist who shall notify the Board in writing, within 30 days, as to receipt of the Memorandum of Decision and a statement by the psychiatrist that he/she will abide by the terms of this Memorandum of Decision.

- I. She shall be responsible for the submission of bi-monthly reports from her psychiatrist for the entire period of probation. Bi-monthly reports are due by the first business day of January, March, May, July, September and November. Bi-monthly reports shall commence with the report due January 1, 1992.
- J. Said reports cited in I above, shall include documentation of dates of treatment, an evaluation of her progress in treatment and ability to function in the capacity of a registered nurse, and copies of all laboratory reports of therapeutic Lithium levels. Said reports shall be issued to the Board at the address cited in paragraph M below.
- K. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of employment.
- L. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of address.
- M. All correspondence and reports are to be addressed to:

OFFICE OF THE BOARD OF EXAMINERS FOR NURSING
Department of Health Services
150 Washington Street
Hartford, CT 06106

4. The Board, upon notification by the Respondent's psychiatrist and/or employer that the Respondent is unable to practice nursing with reasonable skill and safety, shall order the immediate suspension of her license. Upon such order the license of the Respondent shall be immediately surrendered to the Connecticut Board of Examiners for Nursing.
5. Any deviation from the terms of probation without prior written approval by the Board of Examiners for Nursing will constitute a violation of probation and will subject the Respondent to sanctions under the General Statutes of Connecticut, Section 19-17(a) and (c) including but not limited to the revocation of her license. Any extension of time or grace period for reporting granted by the Connecticut Board of Examiners for Nursing shall not be a waiver or preclude the Board's right to take action at a later time. The Connecticut Board of Examiners for Nursing shall not be required to grant any future extension of time or grace periods. Notice of revocation or other disciplinary action shall be sent to her address or record (most current address reported to the Licensure and Renewal Section of the Division of Medical Quality Assurance of the Department of Health Services or the Connecticut Board of Examiners for Nursing).
5. The date of this period of probation shall become effective on December 15, 1991.

The Board of Examiners for Nursing hereby informs the Respondent and the Department of Health Services of the State of Connecticut of this decision.

Dated at Hartford , Connecticut this 22nd day of October , 1991.

BOARD OF EXAMINERS FOR NURSING

BY Lillian J. Murphy

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